

THE DATZ FOUNDATION

NOV 10 2003

Nov. 13, 2003

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To: United States Department of State:

Re: State/AR-01/96, Proposed Regulations to Implement
The Hague Convention on Intercountry Adoption

What follows are comments on the proposed regulations for accrediting agencies under The Hague Convention that appeared in the Federal Register of September 15, 2003.

Regulations for Accreditation

Sec. 96-48 Preparation and Training of Prospective Parents in Incoming Cases.

I. *Ten hours of training mandatory for adoptive parents.*

This rule in theory appears to be easily implemented, but it has certain pitfalls. Adoptive parents in general object to the rigorous requirements of the home study. To require further training may not be helpful or relevant, as each person's adoption can be very different. Would those who are adopting the children of deceased relatives find it appropriate to learn about birth parents and how to tell the adoption story as it is described for people adopting non-relatives? Many families already object to the time required for the home study without even further regulations requiring detailed training. The training would further drive up the cost of adoption. Why should classroom training be mandated when many may find reading or support groups more relevant? What about those living in remote areas where there are few options for training? Should they receive a penalty for not having access?

96.33 Budget Audit Insurance and Risk Assessment Requirement

II. *Requirements that agencies be required to have \$100,000,000 of liability insurance.*

Many agencies are self-insured and would find it a burden and not wish to purchase this insurance. Requiring this insurance will only lead to further frivolous lawsuits, as everyone knows that insurance companies would rather settle than see a case through court where unfair or unjustified suits would be thrown out. Furthermore, it is very difficult for agencies to obtain this insurance, and the premiums are usually more than \$20,000 per year. This would drive out smaller agencies or those with fewer assets. This rule should not be implemented until it can be verified that there are insurance companies ready and willing to take on the insuring of adoption agencies.

Regulation

III. *Requirements that agencies be held responsible for the acts of their foreign sources*

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and facilitators.

This rule seems to ignore the fact that most agencies have no control over their foreign facilitators, foreign attorney, and the orphanages they deal with abroad. This requirement that agencies be held responsible for what they cannot control is not reasonable.

Sincerely yours,



Vivian Datoff, M.S.W.
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